

FIRST REGULAR SESSION

HOUSE BILL NO. 562

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ST. ONGE (Sponsor), WALLACE, MOORE AND PAGE.

Read 1st time February 27, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0944L.011

AN ACT

To repeal section 621.045, RSMo, and to enact in lieu thereof twenty-two new sections relating to private investigators, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 621.045, RSMo, is repealed and twenty-two new sections enacted in lieu thereof, to be known as sections 324.1100, 324.1102, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1126, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140 and 621.045, to read as follows:

324.1100. As used in sections 324.1100 to 324.1140, the following terms mean:

- (1) "Board", the board of private investigator examiners established in section 324.1102;**
- (2) "Client", any person who engages the services of a private investigator;**
- (3) "Department", the department of economic development;**
- (4) "Law enforcement officer", a law enforcement officer as defined in section 556.061, RSMo;**
- (5) "Organization", a corporation, trust, estate, partnership, cooperative, or association;**
- (6) "Person", an individual or organization;**
- (7) "Private investigator", any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;**
- (8) "Private investigator agency", a person who regularly employs any other person, other than an organization, to engage in the private investigator business;**
- (9) "Private investigator business", the furnishing of, making of, or agreeing to**

16 make, any investigation for the purpose of obtaining information pertaining to:

17 (a) Crimes or wrongs done or threatened against the United States or any state or
18 territory of the United States;

19 (b) The identity, habits, conduct, business, occupation, honesty, integrity,
20 credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement,
21 whereabouts, affiliations, associations, transactions, acts, reputation, or character of any
22 person;

23 (c) The location, disposition, or recovery of lost or stolen property;

24 (d) Securing evidence to be used before any court, board, officer, or investigating
25 committee; or

26 (e) Sale of personal identifier information to the public.

324.1102. 1. The "Board of Private Investigator Examiners" is hereby created
2 within the division of professional registration of the department of economic development.
3 The board shall be a body corporate and may sue and be sued.

4 2. The board shall be composed of five members appointed by the governor with
5 the advice and consent of the senate. Each member of the board shall be a citizen of the
6 United States, a resident of Missouri, at least thirty years of age, and shall have been
7 actively engaged in the private investigator business for the previous five years. No more
8 than one board member may be employed by, or affiliated with, the same private
9 investigator agency. The initial board members shall not be required to be licensed but
10 shall obtain a license within one hundred eighty days after the effective date of the rules
11 promulgated pursuant to sections 324.1100 to 324.1140 regarding licensure.

12 3. The members shall be appointed for terms of four years, except those first
13 appointed, in which case two members, who shall be private investigators, shall be
14 appointed for terms of four years, two members shall be appointed for terms of three years
15 and one member shall be appointed for a one-year term. Any vacancy on the board shall
16 be filled for the unexpired term of the member and in the manner as the first appointment.

17 4. The members of the board may receive compensation, as determined by the
18 director for their services and shall be reimbursed for actual and necessary expenses
19 incurred in performing their official duties on the board.

20 5. There is hereby created in the state treasury the "Board of Private Investigator
21 Examiners Fund", hereafter the fund, which shall consist of money collected pursuant to
22 sections 324.1100 to 324.1140. The fund shall be administered by the board of private
23 investigator examiners, which shall collect the fees authorized by sections 324.1100 to
24 324.1140 and transmit them to the director of revenue for deposit to the state treasury to
25 the credit of the fund. Money in the fund shall be used solely for the purposes of the board

26 of private investigator examiners, as authorized by sections 324.1100 to 324.1140.

27 6. Notwithstanding the provisions of section 33.080, RSMo, no portion of the fund
28 shall be transferred to the general revenue fund, and any appropriation made to the fund
29 shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as
30 other funds are invested. Interest and moneys earned on such investments shall be credited
31 to the fund.

 324.1104. Unless expressly exempted from the provisions of sections 324.1100 to
2 324.1140:

3 (1) It shall be unlawful for any person to engage in the private investigator business
4 in this state unless such person is licensed as a private investigator pursuant to sections
5 324.1100 to 324.1140;

6 (2) It shall be unlawful for any person to engage in business in this state as a private
7 investigator agency unless such person is licensed pursuant to sections 324.1100 to
8 324.1140.

 324.1106. The following persons shall not be deemed to be engaging in the private
2 investigator business:

3 (1) A person employed exclusively and regularly by one employer in connection
4 only with the internal affairs of such employer and where there exists an employer-
5 employee relationship;

6 (2) Any officer or employee of the United States, or of this state or a political
7 subdivision thereof while engaged in the performance of the officer's or employee's official
8 duties;

9 (3) A person engaged exclusively in the business of obtaining and furnishing
10 information as to the financial rating of persons;

11 (4) An attorney performing duties as an attorney, or an attorney's paralegal or
12 employee retained by such attorney assisting in the performance of such duties or
13 investigation on behalf of such attorney;

14 (5) A collection agency or an employee thereof while acting within the scope of
15 employment, while making an investigation incidental to the business of the agency,
16 including an investigation of the location of a debtor or a debtor's property where the
17 contract with an assignor creditor is for the collection of claims owed or due, or asserted
18 to be owed or due, or the equivalent thereof;

19 (6) Insurers, agents, and insurance brokers licensed by the state, performing duties
20 in connection with insurance transacted by them;

21 (7) Any bank subject to the jurisdiction of the director of the division of finance of
22 the state of Missouri or the comptroller of currency of the United States;

23 (8) An insurance adjuster. For the purposes of sections 324.1100 to 324.1140, an
24 "insurance adjuster" means any person who receives any consideration, either directly or
25 indirectly, for adjusting in the disposal of any claim under or in connection with a policy
26 of insurance or engaging in soliciting insurance adjustment business; or

27 (9) Any private fire inspector whose primary purpose of employment is the
28 determination of the origin, nature, cause, or calculation of losses relevant to a fire.

 324.1108. 1. Every person desiring to be licensed in this state as a private
2 investigator or private investigator agency shall make application therefor to the board of
3 private investigator examiners. An application for a license pursuant to the provisions of
4 sections 324.1100 to 324.1140 shall be on a form prescribed by the board of private
5 investigator examiners and accompanied by the required application fee. An application
6 shall be verified and shall include:

- 7 (1) The full name and business address of the applicant;
- 8 (2) The name under which the applicant intends to do business;
- 9 (3) A statement as to the general nature of the business in which the applicant
10 intends to engage;
- 11 (4) A statement as to the classification or classifications under which the applicant
12 desires to be qualified;
- 13 (5) Two recent photographs of the applicant, of a type prescribed by the board of
14 private investigator examiners, and two classifiable sets of the applicant's fingerprints;
- 15 (6) A verified statement of the applicant's experience qualifications; and
- 16 (7) Such other information, evidence, statements, or documents as may be required
17 by the board of private investigator examiners.

18 2. Before an application for a license may be granted, the applicant shall:

- 19 (1) Be at least twenty-one years of age;
- 20 (2) Be a citizen of the United States; and
- 21 (3) Comply with such other qualifications as the board adopts by rules and
22 regulations.

 324.1110. 1. The board of private investigator examiners shall require as a
2 condition of licensure as a private investigator that the applicant:

- 3 (1) Successfully complete a course of training conducted by a trainer certified
4 pursuant to section 324.1132;
- 5 (2) Pass a written examination as evidence of knowledge of investigator business;
6 and
- 7 (3) Submit to an oral interview with the board.

8 2. The board shall conduct a complete investigation of the background of each

9 applicant for licensure as a private investigator to determine whether the applicant is
10 qualified for licensure pursuant to sections 324.1100 to 324.1140. The board will outline
11 basic qualification requirements for licensing as a private investigator and agency. The
12 board will waive testing requirements and issue a license to existing persons and agencies
13 who make application within one hundred eighty days after the rules go into effect and
14 meet the requirements of subsection 3 of this section.

15 3. In the event requirements have been met so that testing has been waived,
16 qualification is dependant on a showing of, for the two previous years:

17 (1) Registration and good standing as a business in this state; and

18 (2) One quarter million dollars in business general liability insurance.

19 4. The board may review applicants seeking reciprocity. An applicant seeking
20 reciprocity shall have undergone a licensing procedure similar to that required by this state
21 and shall meet this state's minimum insurance requirements.

324.1112. The board of private investigator examiners may deny a request for a
2 license if the applicant:

3 (1) Has committed any act which, if committed by a licensee, would be grounds for
4 the suspension or revocation of a license pursuant to the provisions of sections 324.1100 to
5 324.1140;

6 (2) Within two years prior to the effective date of this section:

7 (a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony
8 offense, including the receiving of a suspended imposition of sentence following a plea or
9 finding of guilty to a felony offense;

10 (b) Has been convicted of or entered a plea of guilty or nolo contendere to a
11 misdemeanor offense involving moral turpitude;

12 (c) Has falsified or willfully misrepresented information in an employment
13 application, records of evidence, or in testimony under oath;

14 (d) Has been dependent on or abused alcohol or drugs; or

15 (e) Has used, possessed, or trafficked in any illegal substance;

16 (3) Been refused a license pursuant to the provisions of sections 324.1100 to
17 324.1140 or had a license revoked in this state or in any other state;

18 (4) While unlicensed, committed or aided and abetted the commission of any act
19 for which a license is required by sections 324.1100 to 324.1140 after the effective date of
20 this section; or

21 (5) Knowingly made any false statement in the application.

324.1114. 1. Every application submitted pursuant to the provisions of sections
2 324.1100 to 324.1140 shall be accompanied by a fee as determined by the board as follows:

3 (1) For an individual license, agency license and employees being licensed to work
4 under an agency license; or

5 (2) If a license is issued for a period of less than one year, the fee shall be prorated
6 for the months, or fraction thereof, for which the license is issued.

7 2. The board shall set fees as authorized by sections 324.1100 to 324.1140 at a level
8 to produce revenue which will not substantially exceed the cost and expense of
9 administering sections 324.1100 to 324.1140.

10 3. The fees prescribed by sections 324.1100 to 324.1140 shall be exclusive. No
11 municipality may require any person licensed pursuant to sections 324.1100 to 324.1140
12 to furnish any bond, pass any examination, or pay any license fee or occupational tax
13 relative to practicing the person's profession.

14 4. A private investigator license shall allow only the individual licensed by the state
15 to conduct investigations. An agency license shall be applied for separately and held by an
16 individual who is licensed as a private investigator. The agency may hire individuals to
17 work for the agency conducting investigations for the agency only. Persons hired shall
18 make application as determined by the board and meet all requirements set forth by the
19 board except that they shall not be required to meet any experience requirements and shall
20 be allowed to begin working immediately upon the agency submitting their applications.
21 Employees shall attend a certified training program within a time frame to be determined
22 by the board.

 324.1116. 1. The board of private investigator examiners shall determine the form
2 of the license which shall include the:

3 (1) Name of the licensee;

4 (2) Name under which the licensee is to operate; and

5 (3) Number and date of the license.

6 2. The license shall be posted at all times in a conspicuous place in the principal
7 place of business of the licensee. Upon the issuance of a license, a pocket card of such size,
8 design, and content as determined by the division shall be issued without charge to each
9 licensee. Such card shall be evidence that the licensee is licensed pursuant to the provisions
10 of sections 324.1100 to 324.1140. When any person to whom a card is issued terminates
11 such person's position, office, or association with the licensee, the card shall be surrendered
12 to the licensee and within five days thereafter shall be mailed or delivered by the licensee
13 to the board of private investigator examiners for cancellation. Within thirty days after
14 any change of address, a licensee shall notify the board of the address change. The
15 principal place of business may be at a residence or at a business address, but it shall be
16 the place at which the licensee maintains a permanent office.

324.1118. 1. Any license issued pursuant to sections 324.1100 to 324.1140 shall expire two years after the date of its issuance. Renewal of any such license shall be made in the manner prescribed for obtaining an original license, including payment of the appropriate fee, except that:

(1) The application upon renewal need only provide information required of original applicants if the information shown on the original application or any renewal thereof on file with the board is no longer accurate;

(2) A new photograph shall be submitted with the application for renewal only if the photograph on file with the board has been on file more than two years; and

(3) Additional information may be required by rules and regulations adopted by the board of private investigator examiners.

2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee and the licensee is legally responsible for any acts committed by such licensee's employees or agents which are in violation of sections 324.1100 to 324.1140. A person receiving an agency license shall directly manage the agency and employees.

3. A license issued pursuant to the provisions of sections 324.1100 to 324.1140 shall not be assignable.

324.1120. 1. Any licensee may divulge to the board, any law enforcement officer, or prosecuting attorney, or such person's representative, any information such person may acquire as to any criminal offense, or instruct his or her client to do so if the client is the victim but such person shall not divulge to any other person, except as he or she may be required by law to do, any information acquired by such person at the direction of the employer or client for whom the information was obtained.

2. No licensee or officer, director, partner, associate, or employee thereof shall:

(1) Knowingly make any false report to his or her employer or client for whom information was being obtained;

(2) Cause any written report to be submitted to a client except by the licensee, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such report are true and correct;

(3) Use a title, wear a uniform, use an insignia or an identification card, or make any statement with the intent to give an impression that such person is connected in any way with the federal government, a state government, or any political subdivision of a state government;

(4) Appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien,

19 **materialman's lien, or any other lien;**

20 **(5) Manufacture false evidence; or**

21 **(6) Create any video recording of an individual in their domicile without the**
22 **individual's permission. Furthermore, if such video recording is made, it shall not be**
23 **admissible as evidence in any civil proceeding.**

324.1122. Each licensee shall maintain a record containing such information
2 **relative to the licensee's employees as may be prescribed by the board of private**
3 **investigator examiners. Such licensee shall file with the board the complete address of the**
4 **licensee's principal place of business including the name and number of the street. The**
5 **board may require the filing of other information for the purpose of identifying such**
6 **principal place of business.**

324.1124. Every advertisement by a licensee soliciting or advertising business shall
2 **contain the licensee's name, city, and state as it appears in the records of the board of**
3 **private investigator examiners. A licensee shall not advertise or conduct business from any**
4 **Missouri address other than that shown on the records of the board as the licensee's**
5 **principal place of business unless the licensee has received a branch office certificate for**
6 **such location after compliance with the provisions of sections 324.1100 to 324.1140 and**
7 **such additional requirements necessary for the protection of the public as the board may**
8 **prescribe by regulation. A licensee shall notify the board in writing within ten days after**
9 **closing or changing the location of a branch office.**

324.1126. 1. The board of private investigator examiners may suspend or revoke
2 **a license issued pursuant to sections 324.1100 to 324.1140 if, after notice and opportunity**
3 **for hearing in accordance with the provisions of chapter 621, RSMo, the board determines**
4 **that the licensee has:**

5 **(1) Made any false statement or given any false information in connection with an**
6 **application for a license or a renewal or reinstatement thereof;**

7 **(2) Violated any provision of sections 324.1100 to 324.1140;**

8 **(3) Violated any rule of the board of private investigator examiners adopted**
9 **pursuant to the authority contained in sections 324.1100 to 324.1140;**

10 **(4) Impersonated, or permitted or aided and abetted an employee to impersonate,**
11 **a law enforcement officer or employee of the United States of America, or of any state or**
12 **political subdivision thereof;**

13 **(5) Committed, or permitted any employee to commit any act, while the license was**
14 **expired, which would be cause for the suspension or revocation of a license, or grounds for**
15 **the denial of an application for a license;**

16 **(6) Knowingly violated, or advised, encouraged, or assisted the violation of, any**

17 court order or injunction in the course of business as a licensee;

18 (7) Used any letterhead, advertisement, or other printed matter, or in any manner
19 whatever represented that such person is an instrumentality of the federal government, a
20 state, or any political subdivision thereof;

21 (8) Used a name different from that under which such person is currently licensed
22 in any advertisement, solicitation, or contract for business; or

23 (9) Committed any act which is grounds for denial of an application for a license
24 pursuant to the provisions of section 324.1112.

25 2. The record of conviction, or a certified copy thereof, shall be conclusive evidence
26 of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the
27 meaning thereof.

28 3. The agency may continue under the direction of another employee if the
29 individual holding the license is suspended or revoked as approved by the board. The
30 board shall establish a time frame in which the agency shall identify an acceptable person
31 who is qualified to assume control of the agency, as required by the board.

32 4. After the filing of a complaint before the administrative hearing commission, the
33 proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo.
34 Upon a finding by the administrative hearing commission that the grounds in subsection
35 1 of this section for disciplinary action are met, the board may singly or in combination
36 censure or place the person named in the complaint on probation pursuant to such terms
37 and conditions as the board deems appropriate for a period not to exceed five years, may
38 suspend for a period not to exceed three years, or revoke the license.

324.1128. 1. Each private investigator or investigator agency operating pursuant
2 to the provisions of sections 324.1100 to 324.1140 shall be required to keep a complete
3 record of the business transactions of such investigator or investigator agency for a period
4 of seven years. Upon the service of a court order issued by a court of competent
5 jurisdiction or upon the service of a subpoena issued by the board which is based on a
6 complaint supported by oath or affirmation, and particularly describing the records and
7 reports, any licensed private investigator who is the owner, partner, director, corporate
8 officer, or custodian of business records shall provide an opportunity for the inspection of
9 the same and to inspect reports made; but any information obtained by the board shall be
10 kept confidential, except as may be necessary to commence and prosecute any legal
11 proceedings. The board shall not personally enter a licensee's place of business to inspect
12 records, but shall utilize an employee of the division of professional registration to act as
13 a gatherer of information and facts to present to the board regarding any complaint or
14 inspection they are looking into.

15 **2. For the purpose of enforcing the provisions of sections 324.1100 to 324.1140, and**
16 **in making investigations relating to any violation thereof, the board shall have the power**
17 **to subpoena and bring before the board any person in this state and require the production**
18 **of any books, records, or papers which the board deems relevant to the inquiry. The board**
19 **also may administer an oath to and take the testimony of any person, or cause such**
20 **person's deposition to be taken, except that any applicant or licensee or officer, director,**
21 **partner, or associate thereof shall not be entitled to any fees or mileage. A subpoena issued**
22 **pursuant to this section shall be governed by the Missouri rules of civil procedure and shall**
23 **comply with any confidentiality standards or legal limitations imposed by privacy or open**
24 **records acts, fair credit reporting acts, polygraph acts, driver privacy protection acts,**
25 **judicially recognized privileged communications, and the bill of rights of both the United**
26 **States and Missouri Constitutions. Any person duly subpoenaed, who fails to obey such**
27 **subpoena without reasonable cause or without such cause refuses to be examined or to**
28 **answer any legal or pertinent question as to the character or qualification of such applicant**
29 **or licensee or such applicant's alleged unlawful or deceptive practices and methods or such**
30 **violations, shall be guilty of a class A misdemeanor. The testimony of witnesses in any**
31 **investigative proceeding shall be under oath.**

324.1130. 1. The board shall adopt such rules and regulations as may be necessary
2 **to carry out the provisions of sections 324.1100 to 324.1140.**

3 **2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
4 **that is created under the authority delegated in sections 324.1100 to 324.1140 shall become**
5 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
6 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
7 **nonseverable and if any of the powers vested with the general assembly pursuant to**
8 **chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule**
9 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
10 **rule proposed or adopted after August 28, 2002, shall be invalid and void.**

11 **3. The department of public safety shall establish guidelines to permit a private**
12 **investigator to carry a concealed firearm, not to be greater than the firearm training**
13 **imposed on a peace officer standards and training (P.O.S.T.) commissioned officer of a**
14 **county of the first classification. Any private investigator holding a valid firearm permit**
15 **issued by any city not within county or any city with a population of at least four hundred**
16 **thousand inhabitants will be exempt from the requirements of this subsection.**

324.1132. 1. The board of private investigator examiners shall certify persons who
2 **are qualified to train private investigators.**

3 **2. In order to be certified as a trainer pursuant to this section, a trainer shall:**

- 4 (1) Be twenty-one or more years of age;
5 (2) Have a minimum of one-year supervisory experience with a private investigator
6 agency; and
7 (3) Be personally licensed as a private investigator pursuant to sections 324.1100
8 to 324.1140 and qualified to train private investigators.

9 3. Persons wishing to become certified trainers shall make application to the board
10 of private investigator examiners on a form prescribed by the board and accompanied by
11 a fee determined by the board. The application shall contain a statement of the plan of
12 operation of the training offered by the applicant and the materials and aids to be used and
13 any other information required by the board.

- 14 4. A certificate shall be granted to a trainer if the board finds that the applicant:
15 (1) Meets the requirements of subsection 2 of this section;
16 (2) Has sufficient knowledge of private investigator business to be a suitable person
17 to train private investigators;
18 (3) Has supplied all required information to the board; and
19 (4) Has paid the required fee.

20 5. The certificate issued pursuant to this section shall expire on the third year after
21 the year in which it is issued and shall be renewable triennially upon application and
22 payment of a fee.

 324.1134. Any person who knowingly falsifies the fingerprints or photographs or
2 other information required to be submitted pursuant to sections 324.1100 to 324.1140 is
3 guilty of a class D felony.

 324.1136. The board may negotiate and enter into reciprocal agreements with
2 appropriate officials in other states to permit licensed private investigator agencies and
3 licensed private investigators who meet or exceed the qualifications established in sections
4 324.1100 to 324.1140 to operate across state lines under mutually acceptable terms.

 324.1138. Law enforcement officers who perform private investigations shall be
2 licensed pursuant to this chapter subject to the following qualifications and limitations:

- 3 (1) The board may waive testing for law enforcement officers currently certified
4 pursuant to then existing peace officer standards and training requirements pursuant to
5 chapter 590, RSMo;
6 (2) Law enforcement officers shall pay the appropriate licensing fees;
7 (3) Law enforcement officers shall assume individual liability for their actions while
8 performing private investigations, complying with any insurance or bonding requirements
9 imposed pursuant to sections 324.1100 to 324.1140;
10 (4) Law enforcement officers shall not utilize their official capacity in the course

11 of a private investigation, including but not limited to:

12 (a) Accessing information intended only for police officials. Law enforcement
13 officers shall comply with the legal limits on access to information by a private citizen;

14 (b) Utilizing any official item, such as a uniform, badge, or vehicle, while
15 performing a private investigation. Law enforcement officers shall provide their own
16 equipment;

17 (c) Utilizing law enforcement officer arrest and use of force standards. Law
18 enforcement officers shall use private person arrest and use of force standards while
19 operating as a private investigator;

20 (5) Law enforcement officers shall produce evidence of training and experience
21 concerning the legal limits imposed on private investigations or pass a test on such subject
22 produced by the board; and

23 (6) The provisions of sections 324.1100 to 324.1140 shall not apply to law
24 enforcement officers who provide only private security services and not private
25 investigator services.

324.1140. Any person who violates the provisions of sections 324.1100 to 324.1140,
2 except for a violation of section 324.1134, is guilty of a class A misdemeanor. Any second
3 or subsequent violation of the provisions of sections 324.1100 to 324.1140, except for a
4 violation of section 324.1134, is a class D felony.

621.045. 1. The administrative hearing commission shall conduct hearings and make
2 findings of fact and conclusions of law in those cases when, under the law, a license issued by
3 any of the following agencies may be revoked or suspended or when the licensee may be placed
4 on probation or when an agency refuses to permit an applicant to be examined upon his
5 qualifications or refuses to issue or renew a license of an applicant who has passed an
6 examination for licensure or who possesses the qualifications for licensure without examination:

7 Missouri State Board of Accountancy

8 Missouri Board of Registration for Architects, Professional Engineers and Land
9 Surveyors

10 Board of Barber Examiners

11 Board of Cosmetology

12 Board of Chiropody and Podiatry

13 Board of Chiropractic Examiners

14 Missouri Dental Board

15 Board of Embalmers and Funeral Directors

16 Board of Registration for the Healing Arts

17 Board of Nursing

18 Board of Optometry
19 Board of Pharmacy
20 Missouri Real Estate Commission
21 Missouri Veterinary Medical Board
22 Supervisor of Liquor Control
23 Department of Health
24 Department of Insurance
25 Department of Mental Health

26 **Board of Private Investigators**

27 2. If in the future there are created by law any new or additional administrative agencies
28 which have the power to issue, revoke, suspend, or place on probation any license, then those
29 agencies are under the provisions of this law.

30 3. Notwithstanding any other provision of this section to the contrary, after August 28,
31 1995, in order to encourage settlement of disputes between any agency described in subsection
32 1 of this section and its licensees, any such agency shall:

33 (1) Provide the licensee with a written description of the specific conduct for which
34 discipline is sought and a citation to the law and rules allegedly violated, together with copies
35 of any documents which are the basis thereof, or file a contested case against the licensee, at least
36 thirty days prior to offering the licensee a settlement proposal, and provide the licensee with an
37 opportunity to respond to the allegations;

38 (2) If no contested case has been filed against the licensee, allow the licensee at least
39 sixty days, from the date of mailing, during which to consider the agency's initial settlement offer
40 and discuss the terms of such settlement offer with the agency;

41 (3) If no contested case has been filed against the licensee, advise the licensee that the
42 licensee may, either at the time the settlement agreement is signed by all parties, or within fifteen
43 days thereafter, submit the agreement to the administrative hearing commission for determination
44 that the facts agreed to by the parties to the settlement constitute grounds for denying or
45 disciplining the license of the licensee; and

46 (4) In any contact pursuant to this subsection by the agency or its counsel with a licensee
47 who is not represented by counsel, advise the licensee that the licensee has the right to consult
48 an attorney at the licensee's own expense.

49 4. If the licensee desires review by the administrative hearing commission pursuant to
50 subdivision (3) of subsection 3 of this section at any time prior to the settlement becoming final,
51 the licensee may rescind and withdraw from the settlement and any admissions of fact or law in
52 the agreement shall be deemed withdrawn and not admissible for any purposes under the law
53 against the licensee. Any settlement submitted to the administrative hearing commission shall

54 not be effective and final unless and until findings of fact and conclusions of law are entered by
55 the administrative hearing commission that the facts agreed to by the parties to the settlement
56 constitute grounds for denying or disciplining the license of the licensee.

57 5. As to a matter settled prior to August 28, 1995, by consent agreement or agreed
58 settlement, any party to a consent agreement or agreed settlement, other than a state agency, after
59 having received written notice at their last known address known to the agency from the
60 respective licensing agency of a person's rights under this section, shall have six months to file
61 an action in the circuit court of Cole County contesting the authority of any agency described in
62 subsection 1 of this section to enter into such consent agreement or agreed settlement. Any
63 consent agreement or agreed settlement which is not invalidated by the court pursuant to this
64 subsection shall be given full force and effect by all courts and agencies.